

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MATHEW BRAY,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:23CV235

**THIRD AMENDED FINAL
PROGRESSION ORDER AND TRIAL
SETTING ORDER**

THIS MATTER is before the Court on Parties' Joint Motion to Modify Progression Order, [Filing No. 41](#). The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's previous final progression order remain in effect, and in addition to those provisions, case progression shall be amended as follows:

- 1) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **January 3, 2025**.
 - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
 - b. Depositions will be limited by Rule 30(d)(1).
- 2) The deadline for filing motions to dismiss and motions for summary judgment is **February 28, 2025**.
- 3) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **February 28, 2025**.
- 4) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 5) The **jury** trial of this case remains as previously set to commence before **Joseph F. Bataillon, Senior United States District Judge**, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **8:30 a.m.** on **June 9, 2025**, or as soon thereafter as the case may be called, for a duration of **five (5)** trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.

- 6) The **Final Pretrial Conference** remains as previously scheduled to be held before the assigned magistrate judge on **May 9, 2025** at **10:00 a.m.**, in person. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed in Word format by **12:00 p.m. on May 2, 2025**.
- 7) Motions in limine and motions seeking pretrial evidentiary hearings regarding the admissibility of evidence shall be filed no later than twenty-eight (28) days before trial. Each party may file no more than five (5) motions in limine. Motions for leave to file additional motions in limine should be directed to the trial judge.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the appointed special master or assigned magistrate judge if any. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 17th day of October, 2024.

SIGNED:

s/ Kate O. Rahel
Appointed Special Master